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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,812	03/15/2004	Joscp Lluís de la Rosa	TJA-100US	1617
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RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			EXAMINER SANDERS, AARON J	
			ART UNIT	PAPER NUMBER
			2168	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

ED

<b>Office Action Summary</b>	Application No. 10/800,812	Applicant(s) DE LA ROSA, JOSEP LLUIS	
	Examiner Aaron Sanders	Art Unit 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION*****Response to Amendment***

This Office action has been issued in response to amendment filed 4 April 2007.

Claims 1 and 3-14 are pending. Applicant's arguments have been carefully and respectfully considered, and some are persuasive, while others are not. Accordingly, objections and rejections have been removed where arguments were persuasive, but rejections have been maintained where arguments were not persuasive. Accordingly, claims 1 and 3-14 are rejected, and this action has been made FINAL, as necessitated by amendment.

***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the step of "consulting said databases A and P" must be shown or the features canceled from the claims. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

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Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The term "intends" in claim 1 is a relative term which renders the claim indefinite. The term "intend" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Specifically, a vendor having an "intention" to do something is not a positive and explicit claim limitation.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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Claims 1 and 3-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1 and 3-14 are directed to a method for targeting products or services to a person. The claimed subject matter lacks a practical application of a judicial exception (law of nature, abstract idea, naturally occurring article/phenomena) since it fails to produce a tangible result.

Specifically, the claimed subject matter does not produce a tangible result because the claimed subject matter fails to produce a result that is limited to having real world value rather than a result that may be interpreted to be abstract in nature as, for example, a thought, a computation, or manipulation of data. More specifically, the claimed subject matter provides for "showing only products or services having those selected values to said person j". In the case where no products or services have the selected values, the method has no result. This produced result remains in the abstract and, thus, fails to achieve the required status of having real world value.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Herz et al., U.S. Pat. 5,835,087.

As per claims 1 and 3-14, Herz et al. teach:

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1. A method for influencing market decisions of people in the market, the method comprising the steps of:

- creating a universe of  $N$  attributes  $V_i = [v_1, v_2, \dots, v_N]$  to be shown or exposed to a person  $j$ , wherein the attributes are associated with products or services (See e.g. col. 4, lines 49-66, “(b.) a digitally represented profile indicating that target object’s attributes is termed a ‘target profile’”); and

- showing said attributes  $V_i$  to said person  $j$  and calculating at least one of importance, weight or sensibility each of said attributes  $V_i$  has on said person  $j$  for predicting future market decisions of said person  $j$ , and expressing the corresponding results of said calculation as  $W_{ij} = [w_{1j}, w_{2j}, \dots, w_{Nj}]$  (See e.g. col. 4, lines 5-29, “Chang et al. teaches a method in which users choose terms to use in an information retrieval query, and specify the relative weightings of the different terms. The Chang system then calculates multiple levels of weighting criteria”);

wherein the method further comprises at least the steps of:

- creating a database  $A = [a_{ij}]$  including, for said person  $j$ , said universe of attributes  $V_i$  ordered by their calculated weight  $w_{ij}$  (See e.g. col. 4, lines 49-66, “(f) a profile consisting of a collection of attributes, such that a user likes target objects whose profiles are similar to this collection of attributes, is termed a ‘search profile’”);

- creating a database  $P = [p_{ij}]$  including, for said person  $j$ , said universe of attributes  $V_i$  ordered by a corresponding objective interest level  $Z_i = [z_1, z_2, \dots, z_N]$ , wherein said objective interest level is determined by a vendor who intends to offer products or services to said person  $j$  (See e.g. col. 4, lines 49-66, “(b.) a digitally represented profile indicating that target object’s attributes is termed a ‘target profile’ ...

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(h.) a collection of target objects with similar profiles, is termed a ‘cluster’” and col. 5, lines 48-52, “At the same time, the user’s target profile interest summaries must be accessible to the relevant servers that perform the matching of target objects to the users, if the benefit of this matching is desired by both providers and consumers of the target objects” where the claimed “vendor” is the referenced “relevant server”); and

- consulting said databases A and P, matching said databases A and P, selecting from matched database attributes  $V_i$  whose importance, weight or sensibility  $w_{ij}$  are higher than a specific value, and showing only products or services having those selected attributes to said person j (See e.g. col. 6, lines 34-60, “The system further includes a profile processing module which estimates each user’s interest in various target objects by reference to the users’ target profile interest summaries, for example by comparing the target profiles of these target objects against the search profiles in users’ search profile sets, and generates for each user a customized rank-ordered listing of target objects most likely to be of interest to that user”).

2. (Canceled).

3. The method of claim 1; further comprising the step of:

consulting both said databases A and P and selecting from them those attributes  $v_i$  whose importance, weight and/or sensibility  $w_{ij}$ , for said person j, are higher than a specific value, and whose objective interest level  $z_i$  are higher than another specific value, and showing only those selected attributes whose objective interest level  $z_i$  are higher than said another specific value to said person j (See e.g. col. 4, lines 49-66, “(g.) a specific embodiment of the target profile interest summary which comprises a set of

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search profiles is termed the 'search profile set' of a user" which means that the "search profile set" is the set of weighted attributes the user is interested in).

4. The method of claim 2, wherein said steps of consulting said database A, selecting said attributes and showing said selected attributes  $v_i$ , are done for a group of people instead of only one person  $j$  (See e.g. col. 6, lines 1-33, "the system for customized electronic identification of desirable objects uses a fundamental methodology for accurately and efficiently matching users and target objects by automatically calculating, using and updating profile information that describes both the users' interests and the target objects' characteristics").

5. The method of claim 3, wherein said steps of consulting said databases A and P, selecting said attributes and showing said selected attributes  $v_i$ , are done for a group of people instead of only one person  $j$  (See e.g. col. 6, lines 1-33, "the system for customized electronic identification of desirable objects uses a fundamental methodology for accurately and efficiently matching users and target objects by automatically calculating, using and updating profile information that describes both the users' interests and the target objects' characteristics").

6. The method of claim 1, wherein said databases A and P include said attributes  $v_i$  and their corresponding weight  $w_{ij}$ , related to every person, by using tuples, wherein  $[a_{ij}] = \langle v_i, w_{ij} \rangle$  of tuples <attribute, weight> and  $[p_{ij}] = \langle v_i, z_i \rangle$  of tuples <attribute, interest> (See e.g. col. 10, lines 21-56, "perhaps the user has shown a past interest in films whose review text (attribute h) contains words like 'chase,' 'explosion,' 'explosions,' 'hero,' 'gripping,' and 'superb.' This generalization is again useful in identifying new films of interest" which shows a direct relation between attributes and



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their weights, and e.g. col. 9, line 61 to col. 10, line 7, “where the system for customized electronic identification of desirable objects is activated to identify movies of interest, the system is likely be concerned with the values of attributes such as these: (a.) title of movie” which shows a direct relation between attributes and user interests).

7. The method of claim 2, wherein said consulting of said database A is done automatically (See e.g. col. 5, lines 7-20, “the present invention automatically constructs... a ‘target profile interest summary’ for each user, which target profile interest summary describes the user’s interest level in various types of target objects” which requires automatic access to the user’s “search profiles”).

8. The method of claim 3, wherein said consulting of said databases A and P is done automatically (See e.g. col. 5, lines 7-20, “the present invention automatically constructs... a ‘target profile interest summary’ for each user, which target profile interest summary describes the user’s interest level in various types of target objects”).

9. The method of claim 2, wherein at least one of said attributes  $v_i$  includes at least two others of said attributes  $v_i$  (See e.g. col. 6, lines 1-33, “Attributes may include, but are not limited to, the following: ... (4) associations with other types of objects (list of actors in a movie, list of persons who have read a document)”).

10. The method of claim 3, wherein at least one of said attributes  $v_i$  includes at least two others of said attributes  $v_i$  (See e.g. col. 6, lines 1-33, “Attributes may include, but are not limited to, the following: ... (4) associations with other types of objects (list of actors in a movie, list of persons who have read a document)”).

11. The method of claim 1, wherein said attributes  $v_i$  refer to different articles (See e.g. col. 6, lines 1-33, “Attributes may include, but are not limited to, the following:

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(1) long pieces of text (a newspaper story, a movie review, a product description or an advertisement)”).

12. The method of claim 1, wherein said attributes  $v_i$  are different characteristics of an article (See e.g. col. 6, lines 1-33, “Attributes may include, but are not limited to, the following: (1) long pieces of text (a newspaper story, a movie review, a product description or an advertisement), (2) short pieces of text (name of a movie’s director, name of town from which an advertisement was placed, name of the language in which an article was written), (3) numeric measurements (price of a product, rating given to a movie, reading level of a book), (4) associations with other types of objects (list of actors in a movie, list of persons who have read a document)” where e.g. “a movie review”, the “name of a movie’s director”, and the “list of actors in a movie” are all characteristics of an article, in this case, a movie).

13. The method of claim 10, wherein said weight  $w_{ij}$  of said attributes  $v_i$  is a number which reflects at least one of (i) the quantity of a specific article and (ii) articles with a specific characteristic, likely to be acquired (See e.g. col. 11, line 66 to col. 12, line 46, “a target object’s popularity (or circulation) can be usefully measured as a numeric attribute specifying the number of users who have retrieved that object” where the “target object” is the “article” and its “popularity” is its “weight”. See also, e.g. col. 12, line 48 to col. 13, line 5, “a textual attribute, such as the full text of a movie review, can be replaced by a collection of numeric attributes that represent scores to denote the presence and significance of the words ‘aardvark,’ ‘aback,’ ‘abacus,’ and so on through ‘zymurgy’ in that text. The score of a word in a text may be defined in numerous ways.

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The simplest definition is that the score is the rate of the word in the text” where the words in the text are the “articles” and the “rate” at which they appear is their “weight”).

14. The method of claim 11, wherein said weight  $w_{ij}$  of said attributes  $v_i$  is a number which reflects at least one of (i) the quantity of a specific article and (ii) articles with a specific characteristic, likely to be acquired (See e.g. col. 11, line 66 to col. 12, line 46, “a target object’s popularity (or circulation) can be usefully measured as a numeric attribute specifying the number of users who have retrieved that object” where the “target object” is the “article” and its “popularity” is its “weight”. See also, e.g. col. 12, line 48 to col. 13, line 5, “a textual attribute, such as the full text of a movie review, can be replaced by a collection of numeric attributes that represent scores to denote the presence and significance of the words ‘aardvark,’ ‘aback,’ ‘abacus,’ and so on through ‘zymurgy’ in that text. The score of a word in a text may be defined in numerous ways. The simplest definition is that the score is the rate of the word in the text” where the words in the text are the “articles” and the “rate” at which they appear is their “weight”).

### ***Response to Arguments***

As per Applicant’s argument that Herz et al. does not disclose an objective interest level set by a “vendor who intends to offer products or services to said person j”, the Examiner respectfully disagrees. The Examiner cited col. 5, lines 48-52, “At the same time, the user’s target profile interest summaries must be accessible to the relevant servers that perform the matching of target objects to the users, if the benefit of this matching is desired by both providers and consumers of the target objects”. Here, the “relevant servers” set the objective interest level and are considered vendors because they

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“offer products or services to said person”, namely, the service of “matching... both providers and consumers of the target objects”.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


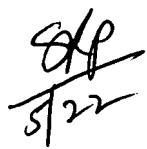
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Sanders whose telephone number is 571-270-1016. The examiner can normally be reached on M-Th 8:00a-5:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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5/22

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